

**CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND**

**Ordinance No.:** O-15-07

**Introduced by:** City Council

**Date Introduced:** May 11, 2015

**First Reading:** May 11, 2015

**Second Reading:** June 1, 2015

**Date Adopted:** June 1, 2015

**Date Effective:** June 29, 2015

**AN ORDINANCE concerning**

**CHAPTER 118 – Loitering**

**FOR** the purpose of enacting a new Chapter 118 – Loitering of the Code of the City of Seat Pleasant for the purposes of prohibiting loitering in the City of Seat Pleasant and establishing enforcement provisions and penalties; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to loitering in the City of Seat Pleasant.

**BY** Repealing Chapter 137-5.1. Obstruction of Public Places  
Enacting New Chapter 118 – Loitering  
Sections 118-1 and 118-2  
Code of the City of Seat Pleasant (1994 Edition, as amended)

**WHEREAS**, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

**WHEREAS**, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

**WHEREAS**, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

**WHEREAS**, the City Council is concerned about loitering in the City's commercial district; and

**WHEREAS**, the City Council is desirous of establishing an ordinance prohibiting loitering in the City of Seat Pleasant and establishing enforcement provisions and penalties; and

**WHEREAS**, the City Council deems it in the best interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

**SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that Chapter 137 (Streets and Sidewalks), § 137-5.1, Subsections (A) through (D), be and it is hereby repealed in its entirety.

**SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that Chapter 118 (Loitering), consisting of §§ 118-1 and 118-2, be and it is hereby enacted and added to the Code of the City of Seat Pleasant (1994 Edition, as amended), reading as follows:

**§ 118-1. LOITERING.**

AS USED IN THIS CHAPTER, "LOITER" MEANS FOR A PERSON TO:

- A. REMAIN ON A PUBLIC STREET, SIDEWALK, OR PATHWAY, INCLUDING ONE PRIVATELY OWNED BUT USED BY THE PUBLIC IN GENERAL, SO AS TO OBSTRUCT THE FREE PASSAGE OF A PEDESTRIAN OR VEHICLE AFTER A REGULAR OR SPECIAL POLICE OFFICER HAS NOTIFIED THE PERSON THAT HE OR SHE IS OBSTRUCTING FREE PASSAGE AND HAS REQUESTED THE PERSON TO MOVE;
- B. REMAIN IN OR ON A VEHICLE ON A PUBLIC STREET, SIDEWALK, OR PATHWAY, INCLUDING ONE PRIVATELY OWNED BUT USED BY THE PUBLIC IN GENERAL, SO AS TO OBSTRUCT THE FREE PASSAGE OF A PEDESTRIAN OR VEHICLE AFTER A REGULAR OR SPECIAL POLICE OFFICER HAS NOTIFIED THE PERSON THAT HE OR SHE IS OBSTRUCTING FREE PASSAGE AND HAS REQUESTED THE PERSON TO MOVE;
- C. REFUSE OR FAIL TO LEAVE OR REMOVE A VEHICLE FROM A PRIVATE BUSINESS, COMMERCIAL ESTABLISHMENT, OR PARKING LOT THAT IS POSTED WITH CONSPICUOUS "NO LOITERING" OR "NO TRESPASSING" SIGNS IF SUCH BUSINESS OR ESTABLISHMENT IS NOT OPEN FOR BUSINESS AND THE PERSON HAS BEEN REQUESTED TO LEAVE BY THE OWNER, THE OWNER'S AGENT, OR A REGULAR OR SPECIAL POLICE OFFICER, UNLESS THE PERSON HAS WRITTEN PERMISSION FROM THE OWNER, LESSEE, OR OPERATOR TO BE PRESENT;
- D. REFUSE OR FAIL TO LEAVE A PRIVATE BUSINESS OR COMMERCIAL ESTABLISHMENT THAT IS OPEN FOR BUSINESS, OR A PARKING LOT THEREOF,

AFTER HAVING BEEN REQUESTED TO DO SO BY THE OWNER, THE OWNER'S AGENT, OR A REGULAR OR SPECIAL POLICE OFFICER;

- E. REFUSE OR FAIL TO LEAVE A PUBLIC BUILDING, PUBLIC GROUNDS, PUBLIC RECREATIONAL AREA, OR A PARKING LOT THEREOF, AFTER BEING REQUESTED TO DO SO BY A REGULAR OR SPECIAL POLICE OFFICER OR A REGULARLY EMPLOYED GUARD, WATCHMAN, OR OTHER AUTHORIZED INDIVIDUAL OF THE AGENCY OR INSTITUTION RESPONSIBLE FOR SUCH PREMISES, IF THE CIRCUMSTANCES REASONABLY INDICATE THAT THE PERSON HAS NO APPARENT LAWFUL BUSINESS OR PURPOSE TO BE PRESENT AT SUCH PLACE; OR
- F. RETURN, FOR NO APPARENT LAWFUL BUSINESS OR PURPOSE, TO THE SAME PUBLIC OR PRIVATE PROPERTY FROM WHICH THE PERSON WAS ASKED TO LEAVE WITHIN THE PREVIOUS 24 HOURS.

**§ 118-2. PENALTIES.**

- A. A PERSON WHO LOITERS IN VIOLATION OF THIS CHAPTER SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND, UPON CONVICTION OR GUILTY PLEA, SHALL BE SUBJECT TO THE FOLLOWING FINE:
  - (1) FOR THE FIRST OFFENSE, A FINE OF \$50.00; OR
  - (2) FOR A SUBSEQUENT OFFENSE, A FINE OF \$100.00.
- B. NO PERSON SHALL BE CHARGED WITH A VIOLATION OF THIS CHAPTER UNLESS AND UNTIL THE ARRESTING OFFICER HAS FIRST WARNED THE PERSON THAT HE OR SHE IS IN VIOLATION OF OBSTRUCTING FREE PASSAGE OF A STREET, SIDEWALK OR PATHWAY AND THE PERSON HAS FAILED OR REFUSED TO STOP THE VIOLATION.

**SECTION 3. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

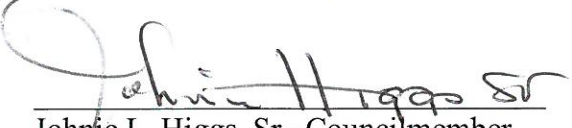
**SECTION 4. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 7. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

**COUNCIL OF THE CITY OF SEAT PLEASANT**

  
Johnie L. Higgs, Sr., Councilmember

\_\_\_\_\_  
Eugene F. Kennedy, Councilmember

  
Kelly Porter, Councilmember

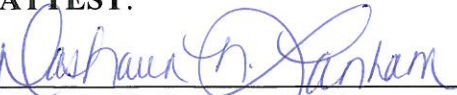
  
Gerald R. Raynor, Sr., Councilmember

  
Elenora Simms, Councilmember

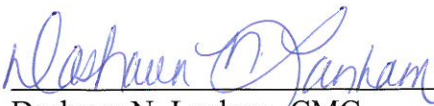
  
Aretha A. Stephenson, Councilmember

\_\_\_\_\_  
Reveral L. Yeargin, Councilmember

**ATTEST:**

  
Dashaun N. Lanham, CMC  
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this June 2, 2015, 2015

  
Dashaun N. Lanham, CMC

City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)**  
**(DISAPPROVE)** of this Ordinance this \_\_\_\_\_, 2015.

\_\_\_\_\_  
Eugene W. Grant, Mayor

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or  
deleted from the law by amendment.